

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gray et al.  
 Title: SURGICAL DEVICE WITH  
       MALLEABLE SHAFT  
 Appl. No.: 09/432,523  
 Filing Date: 3 November 1999  
 Examiner: D. Isabella  
 Art Unit: 3731

<b>CERTIFICATE OF MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below.	
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10-03-02 (Date of Deposit)	

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Sir:

This communication is responsive to the Office Action dated 5 July 2002 concerning the above-referenced patent application.

**REMARKS**

This Reply is in response to the Office Action mailed on 5 July 2002. In that Office Action, claims 37, 38, 39, 41 and 42 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,318,528 to *Heaven et al.*, U.S. Patent No. 5,336,221 to *Anderson*, U.S. Patent No. 4,945,920 to *Clossick* or U.S. Patent No. 5,254,130 to *Poncet et al.*. Reconsideration and withdrawal of all rejections in the Office Action is respectfully requested.

The Office Action states “*Heaven et al*, *Poncet et al* and *Anderson* disclosure use of a malleable hollow shaft including a clamp assembly with first and second movable jaws.” Then, the Office Action lists *Heaven et al.*, as applying to claim 38, *Clossick* as applying to claim 39, “*Poncet et al.* and *Heaven et al.*” as applying to claim 41, and “any